

5794. Adulteration and misbranding of Marchand's peroxid of hydrogen.
U. S. * * * v. The Drevet Mfg. Co., a corporation. Plea of guilty.
Fine, \$15. (F. & D. No. 8245. I. S. No. 20279-1.)

On June 19, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Drevet Mfg. Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on April 18, 1916, from the State of New York into the State of California, of a quantity of an article labeled in part, "Marchand's Peroxide of Hydrogen, * * * The Drevet Manufacturing Co., New York, U. S. A.," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Gauge of 2 bottles (fluid ounces)-----	15.2, 14.9
Hydrogen peroxid (per cent)-----	3.64
(Equivalent to 11.9 volumes of oxygen.)	
Acetanilid (grain per fluid ounce)-----	0.04

Adulteration of the article was alleged in the information for the reason that it was sold under the professed standard and quality as follows, to wit, "15 Vol. H_2O_2 * * * hydrogen dioxide 4.5%," and in strength and purity, the article fell below the said professed standard and quality under which it was sold.

Misbranding of the article was alleged for the reason that the statement concerning the article and the ingredients and substances therein contained, to wit, "hydrogen dioxide 4.5%," was false and misleading in that it represented to purchasers that the article contained 4.5 per cent of hydrogen dioxid, whereas, in fact and in truth, it contained a less quantity of hydrogen dioxid than 4.5 per cent of the article; for the further reason that the statement concerning the article and the ingredients and substances contained therein, appearing on the label, to wit, "15 vol. H_2O_2 ," was false and misleading in that it represented to purchasers that the article was a hydrogen peroxid of 15 volume strength, whereas, in fact and in truth, it was not of 15 volume strength but was of less strength than 15 volume; for the further reason that the statement concerning the article and the ingredients and substances contained therein, appearing on the label, to wit, "It is 50% stronger than the U. S. P. requirements," was false and misleading in that it represented to purchasers that the article contained a proportion of hydrogen dioxid 50 per cent stronger than is required by the United States Pharmacopœia, that is to say, not less than 4.5 per cent of hydrogen dioxid, whereas, in fact and in truth, it contained less than 4.50 per cent of hydrogen dioxid and was not 50 per cent stronger than was required by the United States Pharmacopœia; for the further reason that the statement concerning the article and the ingredients and substances therein contained appearing on the label, to wit, "Average contents 16 fl. oz.," was false and misleading in that it represented to purchasers that each bottle of the article contained not less than 16 fluid ounces thereof, whereas, in fact and in truth, each bottle did not contain 16 fluid ounces thereof, but contained a less quantity thereof; and for the further reason that the article contained a quantity of acetanilid, and the packages containing the article failed to bear any statement of the presence, quantity, or proportion of said acetanilid.

On July 10, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$15.

CARL VROOMAN, *Acting Secretary of Agriculture.*